

**TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT**

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney (797-1101)
Prepared by: Marcie Oppenheimer Nolan, Planning Supervisor

SUBJECT: Ordinance
Proposed Land Development Code amendments for the Rural Lifestyle Initiative

AFFECTED DISTRICT: Townwide

TITLE OF AGENDA ITEM: AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, AMENDING SECTION 12-81A, ENTITLED "CONVENTIONAL SINGLE-FAMILY DEVELOPMENT STANDARDS;" AMENDING SECTION 12-287, ENTITLED "DEVELOPMENT STANDARDS"; PROVIDING FOR REVISED DEVELOPMENT STANDARDS IN THE A-1 ZONING DISTRICT; AMENDING SECTION 12-288, ENTITLED "INCENTIVES"; PROVIDING FOR ADDITIONAL INCENTIVES FOR CUSTOM HOMES; AND AMENDING SECTION 12-503, ENTITLED "DEFINITIONS"; PROVIDING FOR A DEFINITION OF A CUSTOM HOME; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF: Upon adoption of the Rural Lifestyle Initiative by Town Council, staff was directed to review and address the issues raised by Mr. Bill Laystrom representing Southern Homes and prepare an amendment to revise the minimum lot frontage and side setbacks within the A-1 zoning district. In addition, Council also asked staff to review the request of Ms. Barbara Hall and recommend additional amendments, if necessary.

Staff has revised the minimum lot frontage requirements and side setbacks for the A-1 zoning district in recognition that the A-1 district is a transition district from larger lot agricultural/residential uses to a more residential development pattern.

Staff has also reviewed the proposed amendment provided by Ms. Barbara Hall. The end result of the proposed amendment would be that more small developments could easily get incentives and then be able to gate a community. The intent of the incentive program is that a public benefit (such as open space and larger lots) is an equal exchange for creating a separate subdivision. The proposed amendment does not create an equal balance between public benefit and private gain. As such, staff recommends against approval of the amendments proposed by Ms. Barbara Hall.

PREVIOUS ACTIONS: The Town Council approved Ordinance 2002-35 on October 16, 2002. At the time of the final reading and adoption, Council requested that staff amend the Ordinance to revise the setbacks in the A-1 zoning district.

CONCURRENCES: The Planning and Zoning Board, sitting as the Local Planning Agency, made a motion to deny the amendment at the December 11, 2002 meeting. The motion was stated as follows:

Ms. Turin made a motion, seconded by Ms. Lee, to deny the amendment to Table 12-81A (motion carried 3-1, Vice-Chair Bender being opposed and Mr. Waitkus being absent).

Ms. Turin made a motion, seconded by Ms. Lee, to deny the amendment to Section 12-287(A) (motion carried 3-1, Vice-Chair Bender being opposed and Mr. Waitkus being absent).

Ms. Lee made a motion, seconded by Ms. Turin, to deny the amendment to Section 12-287(B) (motion carried 3-1, Vice-Chair Bender being opposed and Mr. Waitkus being absent).

Ms. Lee made a motion, seconded by Ms. Turin, to deny the amendments to Section 12-288 and 12-503 (motion carried 3-1, Vice-Chair Bender being opposed and Mr. Waitkus being absent).

FISCAL IMPACT: n/a

RECOMMENDATION(S): Staff recommends approval of Sections 12-81A and Section 12-287.

Attachment(s): Ordinance

ORDINANCE

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, AMENDING SECTION 12-81A, ENTITLED "CONVENTIONAL SINGLE-FAMILY DEVELOPMENT STANDARDS;" AMENDING SECTION 12-287, ENTITLED "DEVELOPMENT STANDARDS"; PROVIDING FOR REVISED DEVELOPMENT STANDARDS IN THE A-1 ZONING DISTRICT; AMENDING SECTION 12-288, ENTITLED "INCENTIVES"; PROVIDING FOR ADDITIONAL INCENTIVES FOR CUSTOM HOMES; AND AMENDING SECTION 12-503, ENTITLED "DEFINITIONS"; PROVIDING FOR A DEFINITION OF A CUSTOM HOME; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie adopted Ordinance 2002-35 on October 16, 2002 to preserve the remaining rural and equestrian areas within the Town; and

WHEREAS, the Town Council has determined that review of land development regulations are necessary to assure that the rural and semi-rural character of the Town is preserved; and

WHEREAS, the Town desires to amend the land development regulations to provide for developments designed to harmoniously blend into the existing development pattern of the rural areas of Davie, as identified by Town Council; and

WHEREAS, the Local Planning Agency held a public hearing noticed in accordance with Florida laws on December 11, 2002; and

WHEREAS, the Town Council held public hearings noticed in accordance with Florida laws on December 18, 2002 and the date of adoption of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. That Code of Ordinances of the Town of Davie is hereby amended to create Article IX of Chapter 12, entitled Rural Lifestyle Regulations and to amend those of the Town Code as follows:

Table 12-81A, is amended to read as follows:

CONVENTIONAL SINGLE-FAMILY DEVELOPMENT STANDARDS

Minimum Yards

District	Min. Lot Area	Min. Lot Frontage (sq.ft.)	Front	Side	Rear	Max. Height	Min. DU Fl. Area	Max. Bldg. Cover
		(ft.)		(ft.)	(ft.)	(ft.)	(ft.)	(ratio)
A-1	35,000	150 <u>140'</u>	40-50**	35 <u>30'</u>	35'	35'	2400	.25

Section 12-287, is amended to read as follows:

(A) To ensure that the physical characteristics of new houses are compatible with the character of the surrounding area and provide adequate open space and setbacks the following regulations are hereby established. All lot square footages are provided as net dry.

District	Min. Lot Area ¹	Min. Lot Frontage	Min. DU Floor Area	Max. Bldg Coverage
A-1	35,000 sq.ft.	150' <u>140'</u>	2,400 sq.ft.	25%

Exemptions. Existing legal lots specifically delineated in a plat or approved site plan of record shall be bound by the minimum lot size and lot frontage requirements existing at the time they were specifically delineated.

1. Incentives are provided to encourage innovative design. Such incentives are based on the actual minimum lot size provided by the developer in each zoning category as provided for in section 12-288.

(B) Setbacks

District	Front	Side	Rear	Max. Height
A-1	40-50** 35' <u>30'</u>	35'	35'	

Figure 3

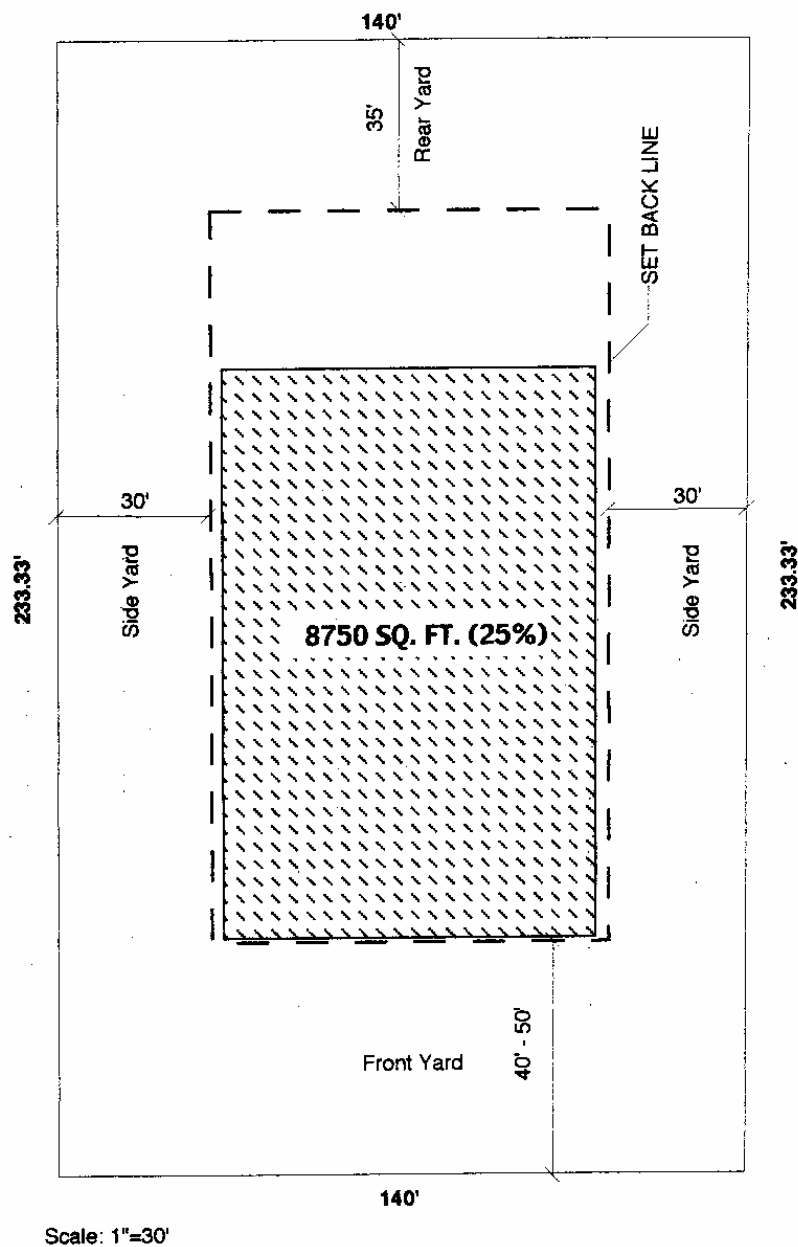


FIGURE 3. LOT SIZE 35,000 SQ. FT., ZONING A-1

Section 12-288, is amended to read as follows:

12-288 Incentives

(C) Incentives for Custom Homes

A plat or site plan that provides for all units to be Custom Homes as defined in Section 12-503, shall be allowed to utilize the incentive program, allowing for a maximum of two (2) points worth of flexible site design details. As a condition of approval of an incentive for Custom Homes, each residential unit within the plat or site plan shall, in addition to the architectural review required by Section 12-290, also be subject to a determination by the Site Plan Review Committee and Town Council that the unit is a Custom Home.

(D) The doubling of any of the minimum percentages in Sections 12-289 (2) or 12-389(3) shall provide an incentive of one (1) point per code section for which the percentage is doubled. For 100% compliance with Section 12-289(2), 12-289(3) or 12-290 (E) rather than the minimum percentage authorized by those sections, an incentive of two (2) points per code section may be authorized by the Town Council.

(E) Vernacular

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(F) Table of Incentives

Section 12-503, is amended to read as follows:

12-503 Definitions

Custom Home - A single family detached dwelling unit that is individually designed by an architect rather than selected from a model, or designed with options selected from a number of models.

SECTION 4. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 5. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 6. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS ____ DAY OF _____, 2003

PASSED ON SECOND READING THIS ____ DAY OF _____, 2003

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2003

